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January 14, 2022

VIA ECF

The Honorable Ann Marie Donio
United States District Court for the District of New Jersey
Mitchell H. Cohen Building & US Courthouse
Fourth and Cooper Streets
Camden, NJ 08101

RE: *Kimberly Bond, et. al. v. Solvay Specialty Polymers, USA, LLC, et. al.*
Civil Action No.: 1:20-cv-08487-NLH-KMW
Theresa Slusser, et. al. v. Solvay Specialty Polymers, USA, LLC, et. al.
Civil Action No.: 1:20-cv-11393-NLH-KMW
Tammy O'Leary, et. al. v. Solvay Specialty Polymers, USA, LLC, et. al.
Civil Action No.: 1:21-cv-00217-NLH-KMW
Carly Corrar, et. al. v. Solvay Specialty Polymers, USA, LLC, et. al.
Civil Action No.: 1:21-cv-00452-NLH-KMW
Shirley Bond v. Solvay Specialty Polymers, USA, LLC, et. al.
Civil Action No.: 1:21-cv-11203-NLH-KMW

Dear Magistrate Judge Donio:

This letter is being submitted in the above Group 2 matters jointly by Plaintiffs and by Defendants, E. I. du Pont de Nemours and Company ("DuPont"), The Chemours Company, The Chemours Company FC, LLC (together, "Chemours"), Solvay Specialty Polymers USA, LLC ("Solvay"), Arkema Inc. ("Arkema"), and 3M Company ("3M") (collectively "Defendants") and pursuant to Magistrate Judge Williams' Amended Scheduling Order, dated October 25, 2021 (Dkt. No. 57), and Your Honor's Order, dated November 17, 2021 (Dkt. No. 58), to update the Court on the status of the Group 2 Cases before the January 18, 2022 status conference.

I. Additional Cases

One additional case, *Nicole Bond v. Solvay Specialty Polymers, USA, LLC, et. al.* (Civil Action No.: 1:21-cv-20755), was filed in the District of New Jersey on December 29, 2021 by Group 2 Plaintiffs' counsel [and marked as related to the Group 2 cases.]

Plaintiffs' counsel in the Group 2 cases has also filed four cases in the Superior Court of New Jersey in September and October 2021.¹ The Amended Complaints in these

¹ These cases are:

1. *Stacey Allen v. A Clemente, Inc., et al.* (SLM-L-198-21)
2. *Eric Albritton v. A Clemente, Inc., et al.* (SLM-L-187-21)

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cases assert claims against DuPont, Chemours, Solvay, Arkema, and 3M and also include an additional defendant, A. Clemente, Inc. and Anthony Clemente, Inc., which operates a landfill in New Jersey [near the Chambers Works facility]. These Complaints were just recently served on Defendants on or around December 27, 2021.

II. Electronically-Stored Information Protocols, OPRA, and Protective Orders

Defendants are awaiting a substantive response from Plaintiffs' counsel regarding the proposed ESI protocol as a follow up to the parties last conferral on October 11, 2021. Defendants sent the current version of their proposed ESI protocol to Plaintiffs' counsel on October 15, 2021.

Plaintiffs are awaiting a substantive response from Defendants' counsel regarding Defendants' review of a proposed Open Public Records Act request drafted by Plaintiffs for submission to the Department of Environmental Protection.

The Court entered a Stipulated Discovery Confidentiality Order in *Kimberly Bond* and *Theresa Slusser* on December 2, 2020, and the parties will in short order submit substantively identical Stipulated Discovery Confidentiality orders in the remaining Group 2 cases (*Corrar*, *Deese/O'Leary* and *Shirley Bond*).

III. Written Discovery

Based on the parties' agreement the deadline for responses and objections to outstanding written discovery requests is now January 24, 2022:

I. Defendants to all Plaintiffs

- DuPont's First Request for Production of Documents and First Set of Interrogatories
- Chemours' First Set of Interrogatories
- Solvay's First Set of Discovery Requests
- Arkema's First Set of Requests for Documents and Interrogatories

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3. *Renee Mesogianes and William Mesogianes, h/w v. A Clemente, Inc., et al.* (SLM-L-199-21)
 4. *Marcia M. Philipp, Gerald L. Philipp h/w, and Gerald E. Philipp v. A Clemente, Inc., et al.* (SLM-L-181-21). **This case includes two of the same Plaintiffs (Gerald L. Philipp and Marcia Philipp) from the DNJ Philipp matter (1:21-cv-9714) that is in the Group 2 cases in this Court, with the addition of their son Gerald E. Philipp.**

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- 3M's First Set of Requests for Production and First Set of Interrogatories

II. Plaintiffs to Defendants

- Plaintiffs' Requests for Production of Documents
- Shirley Bond Interrogatories
- Carly Corrar Interrogatories
- Theresa Slusser Interrogatories

The exception being that 3M's responses to interrogatories in *Slusser* (which were served later by Plaintiff) are due on February 2, 2022.

The parties are coordinating to schedule a continued conferral to discuss a few issues, including the following:

- Collection of medical records. Defendants intend on jointly retaining a firm to collect Plaintiffs' medical records and the parties will discuss potential cost-sharing and mutual access to records.
- Scope of Plaintiffs' medical records. The parties have disagreements on the Plaintiffs' anticipated production of medical records, namely the scope of which Plaintiffs' records should be produced, and which medical conditions are relevant.
- Open Public Records Act request to the State of New Jersey.
- Plaintiffs' request for production of materials from prior litigations.
- Sequencing of document productions.
- Proposed limitations on the total number of interrogatories that Group 2 plaintiffs may serve on each defendant. To date, Plaintiffs have served more than 25, and as many as 50, total interrogatories on each Defendant (for example, Plaintiffs have served 45 interrogatories on EID - 18 in *Shirley Bond*, 6 in *Carly Corrar*, and 21 in *Theresa Slusser*). Defendants are raising this issue in order to get direction from the Court in light of the answers to these interrogatories coming due soon as outlined above.

From Plaintiffs' perspective, no Plaintiff has served more than 25 Interrogatories on any Defendant in any single case. In order to suggest that Plaintiffs have exceeded the 25 interrogatory maximum, Defendants have aggregated the number of interrogatories served by all Plaintiffs on each Defendant. Using that approach, most of the Defendants have also exceeded

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the 25 interrogatory maximum because each Defendant served more than 25 interrogatories in total on all Plaintiffs. That being said, when counsel appeared before Judge Williams, Defendants suggested that the number of Plaintiffs' Interrogatories (but not Defendants') be aggregated across all cases when applying the 25 interrogatory maximum. Judge Williams rejected this approach and indicated that each case was a separate litigation and there was no reason to require any individual party to serve less Interrogatories than permitted by Court rule. That stated, Plaintiffs welcome a complete discussion about numbers of Interrogatories. From Plaintiffs' perspective, many of Defendants' Interrogatories are duplicative and it would be best to replace them with a uniform set of questions in order to minimize the need to repeatedly answer the same question in each of Defendants' Interrogatories.

Defendants disagree with Plaintiffs' interpretation of what Magistrate Judge Williams stated and we will be prepared to discuss it at the conference.

The parties look forward to speaking with Your Honor on January 18th.

Respectfully submitted,

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